

PAUL GORDON DAY, )  
)  
Plaintiff, )  
)  
vs. )  
)  
SWAIN COUNTY DETENTION )  
CENTER, et al., ) ORDER  
)  
Defendants. )  
)  
\_\_\_\_\_ )

The incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was a federal pretrial detainee at the Swain County Detention Center.<sup>1</sup> [Doc. 1]. The Plaintiff is proceeding in forma pauperis. [Doc. 8].

<sup>1</sup> On January 10, 2024, a jury found the Plaintiff guilty of bank robbery by force or violence, and brandishing a firearm in furtherance of a crime of violence, Case No. 1:23-cr-00013-MR. The Plaintiff has not yet been sentenced. He is presently being held at the Laurel County Correctional Center in London, Kentucky.

under North Carolina law. [See Doc. 9]. The Complaint and the Amended Complaint are unsigned.

Although the Plaintiff may amend the Complaint once without leave of Court, see Fed. R. Civ. P. 15(a)(1), the instant Complaint and Amended Complaint are insufficient in that they are not signed. See Fed. R. Civ. P. 11(a). Further, the Plaintiff seeks to amend the Complaint in a piecemeal fashion, which will not be allowed.


The Plaintiff will be granted the opportunity to either sign the Complaint, or to file a superseding Second Amended Complaint, within 30 days of this Order. Any Second Amended Complaint will be subject to all timeliness and procedural requirements and will supersede the previous filings. Piecemeal amendment will not be permitted. Should the Plaintiff fail to comply with this Order, this case will be dismissed and closed without further notice to the Plaintiff.

**IT IS THEREFORE ORDERED that** the Plaintiff must either sign the Complaint, or file a superseding Second Amended Complaint within **thirty (30) days** in accordance with this Order. Should the Plaintiff fail to comply, this case will be dismissed and closed without further notice.

The Clerk is respectfully instructed to mail Plaintiff a blank prisoner § 1983 complaint form and a copy of this Order.

**IT IS SO ORDERED.**

Signed: April 17, 2024

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

